

Maricopa County Department of Finance County Collections Unit Frequently Asked Questions

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Criminal Restitution Order and Restitution

What is a Criminal Restitution Order (CRO)?

A CRO is a restitution lien that is created on all post probation, post prison and probation absconders that have remaining financial sanctions. CROs are further discussed in the Criminal Code within Arizona Revised Statute (A.R.S.) §13-805. A.R.S. can be found at the following link: <http://www.azleg.state.az.us/>

What is a Restitution Lien?

A CRO is a restitution lien against all current and future interests in property which includes personal property, real estate, mobile homes, vehicles, boats, all-terrain vehicles, etc., within the State of Arizona. The CRO would need to be paid in full in order for the lien to be released. Maricopa County does not subordinate.

Restitution Liens are not financial liens in which the lienholder is typically a bank, finance company, or other financial institution whom you have a signed agreement to borrow money using a particular asset as collateral.

Where can I find a copy of the CRO?

A CRO is a recorded public document and can be found by accessing the Maricopa County Recorder's website at the following link: www.recorder.maricopa.gov.

How are CROs enforced?

CROs are enforced by filing a lien against interests in personal property. This is done by filing the lien with the secretary of state, except for titled motor vehicles which are filed with Arizona Department of Transportation (ADOT) Motor Vehicles Division (MVD). A CRO is placed against real property by filing the lien with the Maricopa County Recorder's Office in which the property is located.

Pursuant to A.R.S. §13-806, CROs do not expire until paid in full and are not dischargeable in bankruptcy.

County Collection Unit

What is the purpose of the Maricopa County Department of Finance County Collections Unit (CCU)?

CCU collects on the amounts owed for all CROs that are ordered by the Maricopa County Superior Court. The CCU sends a series of letters in an effort to make contact with the debtor and establish a payment plan. If no payment is received, the CCU sends the account to a collection agency for further collections. If payments are made, the CCU will send a billing acknowledgment letter that the payment was received.

Do you report to the credit bureaus?

The CCU does not report to the credit bureaus; however CROs are recorded public documents.

Why does the balance on the letter I received seem higher than what I thought I owed?

In addition to the remaining court ordered financial sanction (principal), pursuant to A.R.S §13-805, a CRO accrues interest at a rate of 10% per annum (from the date the CRO was signed). Also a collection fee may be added which is calculated as a percentage of the principal.

How is the interest calculated?

The interest is accrued on a daily basis at an annual rate of 10%. For demonstration purposes only, if the outstanding principal is \$1,375.00, then the interest is figured as follows:

- $\$1,375.00 \times 10\% = \137.50 per year/365 days = \$0.38 per day (rounded)
- $\$0.38$ per day \times 30 day month = \$11.40 per month

How can I contact CCU about my CRO?

The CCU can be reached by:

- Phone: 602-506-0073
- Email: www.collections@mail.maricopa.gov
- Mail: P.O. Box 20187, Phoenix, AZ 85036-0187

Can I set up a payment plan?

Yes, call or email and the CCU will assist you. Keep in mind that in order to see your outstanding financial obligation decrease, your monthly payments will need to be more than your monthly accrued interest and any collection fees.

What forms of payment do you accept?

The CCU will accept personal checks, cashier's checks, and money orders (preferred method). The CCU is able to accept credit or debit cards for cases that do not have victim restitution. The CCU cannot accept cash and/or title to property for payment. The Clerk of the Superior Court will accept cashier's checks, money orders, and cash.

Where can I make a payment?

In most cases, payments can be made to:

- In Person: Clerk of the Superior Court at 175 W Madison, 12th Floor, Phoenix, AZ 85003.
- By Mail: P.O. Box 20187, Phoenix, AZ 85036-0187

If you make a payment in person, you will need to inform the CCU of the payment. This can be done preferable by phone, 602-506-0073, or email, www.collections@mail.maricopa.gov. Notification can also be made in person at Maricopa County, 301 W Jefferson, 9th Floor, Phoenix, AZ 85003

What if I made an overpayment?

If it is determined that an overpayment is due, a refund check will be issued and mailed by the Clerk of the Superior Court.

What if I can't make a payment?

If the account is delinquent, the CCU will send your account to a private collection agency. The collection agencies have additional fees (collection fees) that will be added to your outstanding financial obligation.

Why did the CCU take my Arizona State Tax Refund?

The CCU can intercept your Arizona State Tax Refund and lottery winnings for all non-current (delinquent) accounts. At this time, the CCU cannot intercept Federal Tax Refunds and casino winnings.

Once I pay the CRO in full, what happens?

The CCU will create, record, and file with the Court, a Satisfaction of Judgment. The CCU will also release the restitution liens and holds placed with the Maricopa County Recorder's Office and MVD as a result of the CRO.

Maricopa County Clerk of the Superior Court (COSC)**Where can I obtain a copy of my payment history?**

You will need to contact the COSC, Criminal Financial Obligation (CFO) Unit by email, CFOResponse@mail.maricopa.gov, or phone, 602-506-8621. The CFO charges a fee to obtain your payment history.

What if I don't agree with the balance or I think there are missing payments?

You will need to compare your payments with the Courts payment history and provide evidence that your account is in error. Examples of "evidence" would be COSC receipts or front and backs of cancelled checks or money orders.

Can I negotiate or settle my debt for less than what is owed?

The debt is based on a criminal sanction, neither the COSC nor the CCU is able to collect or negotiate, less than what has been ordered by the Court.

As a victim, how can I update my address with the Court?

You will need to contact the COSC, CFO by email, CFOResponse@mail.maricopa.gov, or phone, at 602-506-8621.

Maricopa County Superior Court**How do I file a motion with the Court?**

The CCU cannot provide legal advice and this "Frequently Asked Questions" is for informational purposes only.

It is best if you contact an attorney or you may visit the Maricopa County Law Library or a Public Library for additional research. The Maricopa County Law Library is located at 101 W Jefferson, 1st Floor, Phoenix, AZ 85003 or they can be reached at 602-506-3461.

How do I get my rights restored or get my undesignated felony reduced to a misdemeanor?

Once all of the terms of your sentence are met, you should contact the Criminal Filing Counter at 602-506-4919.

What if I have a CRO and my case is joint and severally liable?

All co-defendants are responsible for the same financial obligation of the restitution. If you have a CRO against you it will be for the entire amount that is due for all co-defendants. If for some reason you need to have a lien lifted, then the entire amount will have to be paid in full.

Arizona Department of Transportation Motor Vehicle Division (MVD)**I have already sold my vehicle and I can't transfer my title to the buyer.**

Chances are you have a CRO against the vehicle and this has stopped the title transfer. The CCU files all CROs directly with the MVD. Pursuant to A.R.S. §13-806, in order to transfer the title out of your name, the debt must be paid in full.

I bought a vehicle and MVD will not let me transfer the title into my name.

Chances are the person on the title has a CRO against them and this is preventing the title transfer. Pursuant to A.R.S. §13-806, in order to transfer the title into your name, the debt must

be paid in full. The CCU suggests that you contact the person that you bought the vehicle from and speak to them about the situation.

What options do I have as either the buyer or the seller?

Aside from paying the debt in full, you can file a motion with the court. The County is not a financial lien holder so we can't take possession of the vehicle in lieu of payment. The CCU cannot release the CRO lien without either the debt being paid in full or a Court order to release.

How long does it take for the hold to be released once the debt is paid in full?

All releases are done electronically. Typically the hold is released by MVD within a few hours, but it may take up to 24 to 48 hrs.

How can I protect myself from buying a vehicle that has a lien on it?

It is recommended that you contact MVD prior to the exchange of money. MVD should be able to tell you whether there is any reason the vehicle can't be transferred into your name. You will need to have the Vehicle Identification Number (VIN) when contacting MVD.

Helpful Links and References:

Arizona Judicial Branch
www.azcourts.gov/restitution

Arizona State Legislature
<http://www.azleg.state.az.us/>

Maricopa County
www.maricopa.gov

Maricopa County Clerk of Superior Court
www.clerkofcourt.maricopa.gov

Maricopa County Recorder's Office
www.recorder.maricopa.gov